

Senate Bill 19-042: Adopt Agreement to Elect U.S. President By National Popular Vote

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 • enter Colorado into the National Popular Vote Interstate Compact, an agreement
3 among states to elect the President of the United States according to a national
4 popular vote once enough states join the compact.

5 **What Your Vote Means**

YES

A "yes" vote on Proposition ? enters Colorado into the

National Popular Vote Interstate Compact, which could lead to the election of the President of the United States by national popular vote if enough states enter the compact.

NO

A "no" vote on Proposition ? retains Colorado's current system of allocating

electors for the President of the United States to the winner of the Colorado popular vote.

1 **Summary and Analysis for Proposition ?**

2 **What is the National Popular Vote Interstate Compact?**

3 The National Popular Vote Interstate Compact (compact) is an agreement among
4 participating states to ensure that the presidential candidate who receives the most
5 votes nationwide is elected president. States that join the compact agree to award
6 all of their state’s electoral votes to the candidate who receives the most votes
7 nationwide once the compact becomes binding. The compact only becomes binding
8 when the states in the compact represent more than half of all electoral votes, at
9 least 270 of the total 538 votes in the Electoral College. This ensures that the
10 candidate who wins the popular vote is also elected through the Electoral College,
11 since a majority of electoral votes will go to the winner of the national popular vote.

12 If Proposition ? is approved by voters, Colorado will be the fifteenth state, plus
13 Washington, D.C., to join the compact, bringing the number of committed electoral
14 votes to 196, short of the 270 needed to make the compact binding.

15 **What happens if Proposition ? passes?**

16 Until the compact becomes binding, Colorado will continue to award its electoral
17 votes to the winner of the state’s popular vote. If the compact becomes binding, this
18 measure would require Colorado's presidential electors to vote for the winner of the
19 national popular vote. This measure has no effect on the 2020 election.

20 **Why is Proposition ? on the ballot?**

21 This proposition was placed on the ballot by referendum petition, a right reserved
22 under the Colorado Constitution that allows citizens to approve or reject a bill passed
23 by the General Assembly. A referendum petition can be filed against any bill passed
24 by the Colorado legislature, unless the General Assembly declares that the bill is
25 necessary to preserve public peace, health, and safety. The General Assembly
26 passed Senate Bill 19-042 during the 2019 legislative session. Proposition ?
27 consists of the text of Senate Bill 19-042. This proposition to approve or reject the
28 bill is on the ballot because enough signatures were collected to refer the bill to
29 voters.

30 **How is the President of the United States elected now?**

31 The election of the President of the United States is an indirect vote in which citizens
32 cast ballots for their preferred candidate. The tally of individual votes is known as the
33 popular vote. The popular vote in each state determines which candidate the state’s
34 electors will vote for in the Electoral College. The electors then cast direct votes,
35 called electoral votes, for a ticket consisting of the President and Vice President.

36 To win the presidential election, a candidate must receive a majority of electoral
37 votes, at least 270 out of a total of 538. Each state determines how to award its
38 electoral votes. In all but two states (Maine and Nebraska), all of the state's electoral
39 votes are allocated to the candidate receiving the most individual votes in the state.
40 In the event no candidate receives a majority in the Electoral College, the House of
41 Representatives chooses the President and the Senate chooses the Vice President,
42 although this has not occurred since 1824.

1 **What is the Electoral College and what are electors?**

2 The Electoral College was established by Article II of the U.S. Constitution as a
3 compromise between electing the President by a vote of all eligible voters and
4 electing the President by a vote of Congress. The Electoral College meets once
5 every four years to elect the President. Each state receives a number of electors
6 equal to the total of its U.S. Senators and Representatives in Congress. Every state
7 has two Senators and a number of Representatives based on population. The
8 Representatives are reapportioned to the states every ten years, retaining the total
9 435 members of the House of Representatives. Colorado currently has two
10 Senators and seven Representatives, for a total of nine electors. Electors are
11 typically chosen by the political parties in each state.

12 Throughout the history of the United States, there have been five elections in which
13 the national popular vote and the Electoral College vote have diverged. Two of these
14 elections were in 2000 and 2016, while the other three occurred in the 1800s.

For information on those issue committees that support or oppose the measures on the ballot at the November 3, 2020, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

15 **Arguments For Proposition ?**

- 16 1) Every vote in every state should count equally when electing the President.
17 Under the current Electoral College system, an individual's voting strength varies
18 widely from state to state – in 2016, Wyoming had one elector for every 195,000
19 people, while Texas had one elector for every 735,000 people. The current
20 system also places outsized importance on a small number of so-called swing
21 states, where candidates spend most of their time and campaign efforts.
22 Candidates should consider issues that affect all parts of the country. The
23 compact ensures that all voters have an equal impact on the outcome of the
24 election, regardless of where they live or their state's electoral vote count.
- 25 2) Twice in the last 20 years a candidate has won the presidential election despite
26 losing the popular vote. The compact ensures that this will not happen. Recent
27 history demonstrates that close elections are becoming common, and in close
28 elections, it is easy for the Electoral College to yield a result different from the
29 way the people actually voted. The President of the country should be the
30 person who gets the most votes nationally.

1 **Arguments Against Proposition ?**

2 1) Colorado should cast its electoral votes for the candidate who obtains the most
3 votes in Colorado. Once implemented, and enough additional states join, the
4 compact would obligate Colorado's electors to vote for whomever wins the
5 national popular vote, even if that candidate did not win the majority of votes in
6 the state. Further, a national popular vote would encourage candidates to focus
7 their campaigns in large population centers. Issues that Coloradans care about
8 might be ignored in favor of focusing on the issues affecting a few large states.

9 2) This compact is a deliberate attempt to sidestep the U.S. Constitution and could
10 lead to disruptions in our electoral system. Rather than amend the U.S.
11 Constitution to implement a true national popular vote, the compact relies on
12 legal agreements between member states to ensure that their electors will vote
13 the way the compact demands. In addition, in a close election run by 50
14 separate states, trying to determine who won the national popular vote could lead
15 to recounts and litigation in every state, delaying results and causing confusion.

16 **Estimate of Fiscal Impact of Proposition ?**

17 [An estimate of fiscal impact will be included in the second draft of this ballot
18 analysis.]